

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

THE BOARD OF TRUSTEES OF THE
TEAMSTERS INDUSTRIAL EMPLOYEES
WELFARE FUND, et al.,

Civil Action No. 12-524 (SRC)

ORDER

Plaintiffs,

v.

ELITE TERRAZZO FLOORING, INC.,

Defendant.

CHESLER, District Judge

This matter having come before the Court upon the Defendant Elite Terrazzo Flooring, Inc.'s ("Defendant") motion to set aside the default entered against it by the Clerk of Court [docket item # 6]; and Plaintiffs the Board of Trustees of the Teamsters Industrial Employees Welfare Fund, the Board of Trustees of the Teamsters Industrial Employees Pension Fund, and the Board of Trustees of the Trucking Employees of North Jersey Annuity Fund ("Plaintiffs") having opposed the motion and cross-moved for entry of default judgment [docket item #8]; and the court having declined to hear oral argument; and the Court having reviewed the papers submitted and considered the arguments presented by the parties; and for the reasons expressed in the Opinion filed herewith; and for good cause shown,

IT IS on this 5th day of October, 2012,

ORDERED that Defendant's motion to set aside the Clerk's entry of default [docket item

#6] be and hereby is **GRANTED**; and it is further

ORDERED that Plaintiff's cross-motion for entry of default judgment [docket item #8]

be and hereby is **DENIED**; and it is further

ORDERED that Defendant shall have seven (7) days from the date of this order to answer, move, or otherwise plead in compliance with Federal Rule of Civil Procedure 12.

s/ Stanley R. Chesler
STANLEY R. CHESLER
United States District Judge